UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/452,328	11/30/1999	SWAIN W. PORTER	003646.P009	1160

25943   7590   12/02/2003

SCHWABE, WILLIAMSON & WYATT, P.C.
PACWEST CENTER, SUITES 1600-1900
1211 SW FIFTH AVENUE
PORTLAND, OR   97204

EXAMINER
FLYNN, KIMBERLY D

ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 12/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _11 September 2003_.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-42_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-42_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4) ☐ Interview Summary (PTO-413) Paper No(s). _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

Detailed Action

Claim Rejections – 35 U.S.C. 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1, 2, 6-10, and 11 18, 21-22, 25-27, 30-32, 35-37, 39-41 are rejected under 35

U.S.C. 102(e) as being anticipated by Niemi (6,415,294 hereinafter Niemi).

In considering claim 1, 7-10, 18, 21, 25-26, and 30-31, Niemi discloses an automated

method for assisting a user of the client system in retrieving and browsing information, the

method comprising:

retrieving and displaying on a display of the client system for browsing, a first

information page having content, responsive to user direction (see col. 4, lines 2-16); and

automatically assembling and augmenting the first information page being

browsed with one or more information source identifiers identifying one or more

information pages that may be additionally retrieved, based at least in part on a portion of

the content of said first information page (see col. 1, lines 45-56; col. 5, lines 8-17; and

col. 6, lines 33-40, see also fig. 2).

In considering claim 2, Niemi discloses a method wherein the method further comprises

performing on said client system in real time, on retrieval of the first information page, analysis

of the first information page to determine the portion of the content of said first information page

on which said automatic assembling and augmenting is based (keyword phrases) (see col. 5, lines

8-17).

In considering claims 6, 22, 27 and 32, Niemi discloses a method further comprises

dynamically determining related second keywords of the presence if first keywords; and the

providing of information source identifies to the client system is made based at least in part on

the dynamically determined related second keywords (col. 4, lines 43-60 and col. 5, lines 2-17) .

In considering claim 11, Niemi discloses a method wherein said first information page is

an information page constituted using some type of mark-up language (col. 3, lines 52-57).

In considering claim 35, Niemi discloses a client system comprising:

a display (see fig. 1 (6, display)); and

a browser (see fig. 1 (5, browser)) to facilitate augmented viewing of a first

information page having contents, including and analyzer equipped to dynamically

assemble a plurality of information source identifiers identifying a plurality of

information pages that may be additionally retrieved, based at least in part on a portion of

the first retrieved information page (col. 5, lines 8-17; and col. 6, lines 33-40, see also fig.

2).

In considering claim 36 and 41 Niemi discloses the analyzer further comprises a lexical

analyzer to facilitate determination in real time unique nouns in the first retrieved information

page being browsed (fig. 1 (13, text analyzer function) see also col. col. 5, lines 2-10).

In considering claim 37 and 39, Niemi discloses a server system comprising:

a network interface to couple the server system to a network (see. fig. 1 (2, modem));

an information source database (12, database) having a first plurality of keywords and a plurality of associated information source identifiers of the keywords, identifying a plurality of information pages that may be additionally retrieved, to facilitate augmented provision of dynamically assembled information source identifiers by a browser of a coupled client system, based at least in part on content of a first information page retrieved from a third party location for browsing on the client system (col. 4, lines 20-23, and lines 54-57).

In considering claim 40, Niemi discloses the server system further comprises a keyword database, having a second plurality of keywords and the first plurality of keywords, the first and second keywords of presence ones of first keywords in the first retrieved information page (col. 4, lines 20-23, and lines 54-57).

Claim Rejections – 35 U.S.C. 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 3-5, are rejected under 35 U.S.C. 103(a) as being unpatentable over Rubinstein et al. (5,913,215 hereinafter Rubinstein).

In considering claim 3, Niemi discloses a method wherein said analysis comprises

performing on said client system in real time, on retrieval of the first information page, scanning

of said first information page for unique words presence, accessing a current table of keywords

to determine if any of the unique words are to be considered as keywords (col. 5, lines 2-17).

Although Niemi et al. shows substantial features of the claimed invention, he fails to

disclose outputting the unique nouns so should be considered as the presence ones of first

keyword. Nonetheless, Rubinstein, whose invention is a system for browsing by prompted

keyword phrases, discloses such an outputting of the unique nouns that should be considered as

the presence ones of first keywords (see col. 16, lines 18-23). Therefore, given the teachings of

Rubinstein, it would have been obvious for a person having ordinary skills in the art to modify

Niemi to include the step of outputting of the unique nouns that should be considered as the

presence ones of first keywords so that the user may use the keywords to construct a query

expression in which one of the keywords is an operand, thus allowing the user to perform a more

rapid and comprehensive search.

In considering claim 4, Rubinstein further discloses a method wherein the method further

comprises designating to a browser of the client system a first of a plurality of tables of

keywords as the current table of keywords (see col. 12, lines 51-54; Fig. 11, Phrases View

Window 1105; Fig. 12, Words View Window 1200).

In considering claim 5, Rubinstein further discloses a method wherein the method further

comprises loading/downloading said plurality of tables of keywords onto the client system (see

col. 16, lines 9-13; Fig. 11, Phrases View Window 1105).

5.   Claims 12-17, 19-20, 23-24, 28-29, 33-34, 38, and 42 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Niemi in view of Finseth et al (6,271,840 hereinafter Finseth).

In considering claim 12, Niemi discloses a method wherein the method further comprises

displaying on said display a selected one of a second information page corresponding to a first of

the additional information pages (see Fig. 13, Links View Window).

Although Niemi et al. shows substantial features of the claimed invention, he fails to

disclose displaying a thumbnail of the second information page. However, Finseth, whose

invention is a method for providing graphical outputs from search engine results, discloses such

a thumbnail of a retrieved information page (see Fig. 7, Rendered Images 142; col. 5, lines 43-

52). Therefore, given the teachings of Finseth, it would have been obvious for a person having

ordinary skills in the art to modify Niemi et al. by displaying a thumbnail of the second

information page in order to view a physical image of the information page.

In considering claims 13 and 16, Finseth further discloses a method wherein said

displaying of a thumbnail comprises performing on said client system in real time, on retrieval of

the first information page, a selected one of (a) retrieving said thumbnail and (b) retrieving said

second information page and dithering said retrieved second information page to form said

thumbnail (see Fig. 7, Rendered Images 142; col. 5, lines 43-52).

In considering claims 14 and 17, Finseth further discloses a method wherein said

displaying of a thumbnail is made responsive to proximate placement of a cursor next to a first

information source identifier corresponding to said second information page (see col. 8, lines 45-

55).

In considering claim 15, Niemi et al. discloses an automated method for assisting a user

of the client system to retrieve and browse information, the method comprising:

retrieving and displaying on a display of the client system for browsing, a first

information page having content, responsive to user direction (see col. 4, lines 2-16).

performing on said client system in real time, on retrieval of the first information

page, analysis of the first information page to determine at least a portion of the content

of said first information page; automatically assembling and augmenting the first

information page being browsed with one or more information source identifiers

identifying one or more information pages that may be additionally retrieved, based at

least in part on the automatically determined portion of the content of said first

information page (see col. 1, lines 45-56; col. 5, lines 8-17; and col. 6, lines 33-40, see

also fig. 2); and

Additionally, Finseth discloses presenting on the display, responsive to a user

event, a thumbnail of a second information page corresponding to a first of the identified

information pages (see Fig. 7, Rendered Images 142; col. 5, lines 43-52).

In considering claims 23, 28, and 33, Finseth further discloses a method wherein the

method further comprises providing to said client system a thumb nail of a second information

page corresponding to a first of said information source identifiers (see Fig. 7, Rendered Images

142; col. 5, lines 43-52).

In considering claims 24, 29, and 34, Finseth discloses a method wherein the method

further comprises retrieving an information page and dithering the information page to form said

thumbnail (see Fig. 1, Web Page Renderer Process 52; col. 5, lines 43-52).

In considering claim 19, Finseth discloses a method wherein the method further

comprises providing to said client system thumbnail of a second information page corresponding to a first of said information source identifiers (see Fig. 7, Rendered Images 142; col. 5, lines 43-52).

In considering claim 20, Finseth discloses a method wherein the method further comprises retrieving an information page and dithering the information page to form said thumbnail (see Fig. 1, Web Page Renderer Process 52; col. 5, lines 43-52).

In considering claims 38 and 42, Finseth discloses a system further comprises a dithering module to dither a second information page retrieved to augment the first retrieved information page, to generate a thumbnail of the second retrieved information page (see Fig. 1, Web Page Renderer Process 52; col. 5, lines 44-51).

Response to Arguments

6.   Applicant's arguments, filed September 11, 2003 with respect to claims 1-42 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D Flynn whose telephone number is 703-308-7609. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 703-305-4792. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Kimberly D Flynn
Examiner
Art Unit 2153

KF
November 26, 2003

GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100